Claims

Claims 1-20 and 22 are canceled.

Amended Base Claim 21. The Examiner considered the shielding 110 of Jackson as the rib of Applicant's base claim 21. Jackson indicates no structure pertaining to shielding 110 other than the cap crown 26 formed by gores 30, 32, 34, and 36 (Jackson, page 6, line 23). Note that on Jackson's page 4, lines 8-10, gores 30, 32, 34, 36 are "sewn together" to form crown 26. Thus, shielding 110 and crown 26 are the same element. Applicant's rib, of Claim 21, is a separate and different element from the cap crown and is structurally consistent with common dictionary definitions of a rib. Jackson's shielding 110 (cap crown 26) is dome-shaped and not a rib.
A further distinction from Jackson is that Applicant's rib, of Claim 21, is defined as a "stiff" rib (Applicant's specification, page 4, lines 20-26) that is fixed to the visor in order to support the weight of telephone components, whereas Jackson's shielding 110 is "flexible" (Jackson, page 6, lines 21-22) and, therefore, does not provide the structural support of a stiff rib. It is therefore requested that Claim 21 be reconsidered as amended.

Amended Claim 23, dependent on Claim 21. What is claimed is that a proximal portion of the microphone arm is L-shaped; a structural shape that enables the arm to be hidden when in a retracted position (Applicant's specification, page 7, lines 10-21). No similar shape is shown in arm 50 of Jackson and thus cannot be hidden in the retracted position.

Amended Claim 24, dependent on Claim 21. What is claimed is that the earphone is slidably supported (Applicant's specification, page 6, lines 18-21) in order to adjust vertically to the position of the user's ear. Jackson's earpiece is simply attached to a cord.

Previously presented Claim 25, dependent on Claim 21. What is claimed is that a liquid crystal display (LCD) is supported by Applicant's garment (Applicant's specification, page 5, line 23). Jackson shows no such device—Jackson's element 72 is an LED (Jackson, page 5, line 4).

Amended Claim 26, dependent on Claim 21. What is claimed is that the antenna and visor are arch-shaped to conform to each other (Applicant's specification, page 8, lines 8-10). That feature avoids the unsightly profile of conventional cell phone antennas and increases marketability—no similar adaptation is suggested by Jackson or other prior art.

Amended Claim 27, dependent on Claim 21. What is claimed is that the antenna is further shaped to conform to a rounded frontal edge of the cap visor (Applicant's specification, page 8, lines 8-10). That feature hides the antenna, is an important aesthetic advantage, and positions the antenna away from the user's head. Again, the prior art does not suggest a similar feature.

Amended Claim 28, dependent on Claim 21. What is claimed is that a battery holder is supported by the rib (Applicant's specification, page 5, lines 8-20). Jackson's battery is attached to the fabric of the cap crown. In practice, the weight of a battery powerful enough to operate a wireless telephone will collapse a soft or flexible cap crown, such as that of Jackson, unless it is supported by a rib as defined in Applicant's claim.

Amended Base Claim 29. What is claimed is that an upstanding stiff arcuate rib lines the cap crown interiorly (Applicant's specification, page 4, lines 16-22) to shape the crown and is arranged to slidably support an earphone for vertical movement along the rib (Applicant's specification, page 6, lines 18-21) to be vertically adjustable to the position of the user's ear. That feature is not suggested in the prior art. In Mo, US Pat. No. 6,305,026, the earphones pivot between deployed and retracted positions, but cannot slide vertically to adjust to the position of the user's ears.

Previously presented Claim 30, dependent on claim 29. What is claimed is that the earphone is pivotally supported to move about an axis that is parallel to the longitudinal axis of the cap (Applicant's specification, page 6, lines 10-17 in combination with FIGS. 1 and 3). No existing earphone equipment is adaptable to a cap in a manor that can meet the function defined in Claim 30 and none anticipate or are suggestive of the function. In Mo, US Pat. No. 6,305,026, and Boyden et al. US 6,301,367, the earphones cannot pivot about an axis that is parallel to the longitudinal axis of the cap. Instead, they pivot about axis that is transverse to the cap and thus protrude in an unsightly manner in the retracted position.

Amended Claim 31, dependent on Claim 29. What is claimed is the advantages explained for Claim 23, but depends on a different base claim.

Previously presented Claim 32, dependent on Claim 29 further comprises a wireless telephone feature (Applicant's specification, page 2, lines 10-12).

Amended Base Claim 33 includes first and second stiff arcuate ribs connected transversely to each other forming arches supporting the crown (Applicant's specification, page 4, lines 16-22). The second rib is fixed to the visor thereby stiffening the combination (Applicant's specification, page 4, lines 23-26). An earphone is connected to an end portion of the first rib (Applicant's specification, page 6, line 10). The novel combination makes the garment sturdy for supporting the communication components. There is no prior art suggestive of such a minimum combination of stiff structural components to produce a sturdy, yet light and comfortable communications cap. Jackson's soft cap has no such structural supports and would deform under the weight of communication components.

Amended Claim 34, dependent on Claim 33. What is claimed comprises a comunications cap supporting a liquid crystal display (Applicant's specification, page 5, lines 23-25) not suggested in Jackson (element 72 is an LED, page 5, line 4).

Amended Claim 35, dependent on Claim 33. What is claimed is that the earphone is pivotally supported to move about an axis that is parallel to the longitudinal axis of the cap (Applicant's specification, page 6, lines 10-17 in combination with FIGS. 1 and 3). No existing earphone equipment is adaptable to a cap in a manor that can meet the function defined in Claim 30 and none anticipate or are suggestive of the function. In Mo, US Pat. No. 6,305,026, and Boyden et al. US 6,301,367 B1, the earphones cannot pivot about an axis that is parallel to the longitudinal axis of the cap. Instead, they pivot about axis that is transverse to the cap and thus protrude in an unsightly manner in the retracted position.

Amended Claims 36 and 37. What is claimed is a keypad adapted to a soft cap (Applicant's specification, page 5, lines 21-22) and is not shown or suggested in Jackson. The wristwatch keypad 115 of Jackson is supported on the user's wrist. Jackson does not teach how a keypad can be supported on a soft cap and Applicant's invention of claims 36 and 37 is not an obvious extension thereof.

Amended Claim 38, dependent on Claim 33. What is claimed is that the earphone is slidably supported to move along the first rib for vertical adjustment to the user's ear (Applicant's specification, page 6, lines 18-21). That feature not suggested in the prior art. In Mo, US Pat. No. 6,305,026, the earphones pivot between deployed and retracted positions, but cannot slide vertically to adjust to the position of the user's ears.

Amended Claims 39 and 40, dependent on Claim 33. What is claimed in Claim 39 is that the antenna and visor are arch-shaped to conform to each other (Applicant's specification, page 8, lines 8-10). That feature avoids the unsightly profile of conventional cell phone antennas and increases marketability—no similar adaptation is suggested by Jackson or other prior art. As claimed in Claim 40, the antenna is further shaped to conform to a rounded frontal edge of the cap visor (Applicant's specification, page 8, lines 8-10). That feature is an important aesthetic advantage and positions the antenna away from the user's head. Again, the prior art does not suggest a similar feature. Jackson has no suggestion of an antenna that conforms to the shape of a cap visor.